

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
UNITED STATES OF AMERICA Plaintiff,	<div>FILED SEP 25 2023</div>
V. Michael Deman Jackson Defendant	CASE NO. 3:14-CR-00238-D-1
By _____ Deputy	CLERK, U.S. DISTRICT COURT

Michael Deman Jackson's motion for A Sentence
Reduction and/or Compassionate Release Under
18 U.S.C. 3582(c)(1)(A)

Comes now, Michael Deman Jackson, the undersigned
defendant, appearing in a pro se capacity,¹ pursuant to
18 U.S.C. 3582(c)(1)(A) and the First Step Act of 2018,
respectfully moves the court for a Sentence Reduction and
OR Compassionate release for the extraordinary and compelling
reasons presented herein.

INTRODUCTION

Compassionate release is not a new remedy. It
dates back at least to the Parole Reorganization Act of 1976.
The Parole Act provided: "At any time upon motion of
the Bureau of Prisons, the court may reduce any
minimum term to the time the defendant has served."
18 U.S.C. 4205(g) (repealed 1987). The capaciousness of that
text authorized the BOP to request (and district courts
to grant) reduction for a wide range of reasons.

In 1984, Congress enacted the Sentencing Reform
Act. In that act Congress abolished

1. In light of his pro se status, ~~he~~ respectfully asks the Court to give this pleading a liberal
construction in accordance with the doctrine articulated by the Supreme Court in
Haines v. Kerner, 404 U.S. 519 (1972)

(11)
Federal Parole and forbade the federal courts from modifying a term of imprisonment once it has been imposed. *United States v. Jones*, 980 F.3d 1048, 1103-04 (6th Cir. 2020) (alteration in original) (quoting Pub. L. no. 98-473, Title II, ch. 2, § 212(a), 98 Stat. 1837, 1998 (enacting 18 USC § 3582(c))). But Congress retained an exception for compassion-release motions. See 18 U.S.C. § 3582(c)(1)(A) (1984) (providing that the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment under certain conditions). That exception - like its Parole Act predecessor - gave [the] BOP exclusive power over all avenues of compassionate release. *United States v. Booker*, 976 F.3d 228, 231 (2d Cir. 2020).

In the first 34 years following enactment of the Sentencing Reform Act, compassionate release required four things. First it required a motion from the BOP; without the BOP's request the prisoner could not obtain relief. Second, it required one of two conditions now listed in § 3582(c)(1)(A); that is "extraordinary and compelling reasons" under § 3582(c)(1)(A)(i). Third it required the sentence reduction to be consistent with applicable policy statements issued by the Sentencing Commission. And fourth it required the district court to exercise its discretion to grant the BOP's motion after considering the applicable sentencing factors under 18 U.S.C. § 3553(a). See e.g. *United States v. Lightfoot*, 724 F.3d 593, 596-99 (5th Cir. 2013).

The second of these requirements was notoriously thorny. Congress never defined or provided examples of "extraordinary and compelling reasons" that might warrant a reduction. Instead, it delegated that authority to the Sentencing Commission. The Sentencing Reform Act instructed the Commission to "promulgate general policy statements regarding the sentencing modification provisions in section 3582(c)(1)(A) that 'describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples'" 28 U.S.C. 994(e). It provided just one restriction: "Rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason." *Ibid*

The third requirement—consistency with the Commission's policy statements—was illusory. That's because it took the Commission 22 years to issue any policy statement under 3582(c)(1)(A). And even after the Commission issued its first policy statement in 2006, it was "little more than an unenlightening repetition" that "parroted" the statute's language. *Jones*, 980 F.3d at 1104. Like the statute, the policy statement said a court could reduce a prisoner's sentence "upon motion of the Director of the Bureau of Prisons." U.S.S.C. 1B1.13. And like the statute, the policy statement provided that a court could do so if "extraordinary and compelling reasons warrant the reduction" without defining "extraordinary and compelling reasons." *Ibid*. The

only part of 181.13 that did not come from 3582 was the commission's commentary. Application Note 1 of the commentary articulated four categories of "extraordinary and compelling reasons" that could warrant the sentence reduction: (A) medical conditions of the defendant; (B) age of the defendant; (C) family circumstances; and (D) other reasons. *Id.* cmt. n.1.

In December of 2018, President Trump signed the FSA into law. The FSA made many changes to the United States code, but it made only one change to the compassionate-release framework in 3582. See *Brooker*, 976 F.3d at 230.

Before the FSA amendment, the relevant provision of 3582 read: "The court, upon motion of the Director of the Bureau of Prisons, may reduce [a prisoner's] term of imprisonment..." 18 U.S.C. 3582(c)(1)(A) (2012).

The FSA amended that text to read: "The court upon motion of the Director of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the Warden of the defendant's facility, whichever is earlier, may reduce (A prisoner's) term of imprisonment..." 18 U.S.C. 3582(c)(1)(A) (2018).

(italics indicating amendment). That change was obviously very important. It eliminated the first of the pre-FSA requirements for a 3582 motion namely a motion

by the BOP. For the first time, prisoners like Jackson can now move on their own accord.

But the FSA left undisturbed the other three § 3582 requirements. Prisoners like Jackson still must show "extraordinary reasons" they still must show that compassionate release is consistent with applicable policy statements from the Commission; and they still must convince the district Judge to exercise discretion to grant the motion after considering the § 3553(a) factors. ~~AND~~ All of this is made more complicated by the fact that the Commission - which took 22 years to adopt its first policy statement under 3582(c)(1)(A)(i) - has not yet adopted a new statement to implement the FSA.

The text of 18 U.S.C. 3582(c)(1)(A)(i) only applies to "motions of the Director of the Bureau of Prisons." USSC § 181.13 That makes sense because in 2006 (when the Sentencing Commission issued the policy statement) AND in November of 2018 (when the Commission last amended it) the BOP had exclusive authority to move for a sentence reduction. See *Brooker*, 976 F.3d at 231. When Congress enacted the FSA in December of 2018, it gave prisoners authority to file their own motions for compassionate release; but it did not strip the BOP of authority to continue filing such motions on behalf of its inmates. See 18 USC 3582(c)(1)(A) (Providing that a court may grant compassionate release "upon motion of the Director of the Bureau of Prisons, or upon motion of the Defendant") so the policy statement continues to

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"governs where it says it governs - on the motion of the Director of the Bureau of Prison." U.S.S. 6 & 1B1.3 But it does not govern here on the newly Authorized motion of a prisoner.

The text of the commentary confirms the limited applicability of § 1B1.3. Application note 4 of the commentary make clear that a reduction under this policy statement may be granted only upon a motion by the Director of the Bureau of Prison.

"U.S.S. 6 1B1.3 cmt. n. 4 (emphasis added). That note expressly limits the policy statement's applicability to motions filed by the BOP.

The district court cannot rely on pieces of text in an otherwise inapplicable policy statement. See *United States v. McCoy*, 981 F.3d 271, 282 (4th Cir. 2020) (refusing to "do some quick judicial surgery on § 1B1.3... [and] assume that what remains... Applies to defendant - Filed as well as BOP-filed motions"). It is true that application note 1 defines "extraordinary and compelling reasons" by articulating four categories of reason that could warrant a sentence reduction. But this "Text may not be divorced from context." *United States v. Graves*, 908 F.3d 137, 141 (5th Cir. 2018) (quoting *Univ. of Tex. Sv. Med. Ctr. v. Nassar*, 570 U.S. 338, 351 (2013)); see also ANTONIN SCALIA & BRYAN GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXT* 56 (2012) ("The words of a governing text are of paramount concern, and what they convey, in their context, is what the text means.") And the context of the policy statement shows that it applies only to motions filed by the BOP. Just as the district court cannot rely

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On a money-laundering guideline in a Murder case, it cannot rely on the BOP-specific policy statement when considering a non BOP § 3582 motion. Whether neither the policy statement nor the commentary to it binds a district court addressing a person's own motion under § 3582. The district court is bound only by § 3582 (C)(1)(A)(i) and, as always, the sentencing factors in § 3553(a). In reaching this conclusion, the Fifth Circuit in *United States v. Shkambri* aligned with every circuit court to have addressed the issue, 993 F.3d 388, 390-93 (5th Cir. 2021) See *United States v. McGee*, 992 F.3d 1035, 1050-51 (10th Cir. Mar. 29, 2021) *United States v. Gum*, 980 F.3d 1178, 1180 (7th Cir. 2020); *McCoy*, 981 F.3d at 284; *Jones*, 980 F.3d at 1111; *Brooker*, 976 F.3d at 234.

⑥ In the case at bar Jackson was sentenced to a term of 594 months imprisonment just six months shy of 50 years. 32 years of Jackson's sentencing was imposed by the court, based on the applicable legal authority at the time of his sentencing, mandating consecutive terms of 7 years and 25 years for his § 924(c) convictions (counts 4 and 6). A defendant sentenced today for the same exact crimes on convictions Jackson was convicted of would not be subject to the "stacked" terms or provision

STATEMENT OF THE CASE

On June 18, 2014 the grand jury sitting in the Northern District of Texas Indicted Jackson on multiple counts of (conspiracy to interfere with commerce by robbery in violation of 18 U.S.C. 1951, and Brandishing a Firearm during and in relation to a crime of violence, aiding and abetting in violation of 18 U.S.C. 924(cc)(1)(X)(ii) and 2.

On October 14, 2014 Jackson entered into a Agreement with the United States Northern District of Texas (Dallas) and Agreed to Plea guilty to (count one) 18 U.S.C. 1951 (count four) 18 U.S.C. 924(cc)(1)(X)(ii) and 2; And (count six) 18 U.S.C. 924(cc)(1)(i) and 2,

On May 15, 2015, the United States and the Honorable Chief Judge Sidney A. Fitzwater entered Judgement Finding Jackson guilty of count one, four, and six. The district Court sentenced Jackson to a term of imprisonment of 210 months as to count one, to run consecutively with count four and six; 84 months as to count four and 300 months as to count six. To an Aggregate term of 594 months to run consecutive with 2 years supervised release on each count,

On June 21, 2016, Jackson filed a 2255 motion to Vacate (Johnson) (Criminal Case Number 3:14-cr-00238) The Court of Appeal for the Fifth Circuit AFFIRMED Jackson's conviction and Sentence on July 20, 2017

RELEVANT FACTS

This case reflects the serious implications the interpretation of federal law can have on a person's life, why? because of the interpretation of a very commonly charged offense in federal courts. The use of a firearm in connection with a crime of violence or drug trafficking offense; in Jackson's case, crimes of violence See 18 U.S.C. § 924(c). At the time of his sentencing, the Judge, as required by federal law, imposed consecutive mandatory minimum terms of imprisonment totaling 384 months for Jackson's two § 924(c) convictions. For one of the counts, the court imposed a 25-year term based on the statute's language interpreted by federal courts.

In the First Step Act, Congress responded to the debauchery flooding the federal judiciary and Congress with regards to § 924(c) "stacking provision." Congress expressly changed the statutory language to make clear that the 25-year mandatory minimum terms of imprisonment are for persons who have had prior § 924(c) convictions that have become final. This amendment, however, was not specifically directed to apply retroactively to persons such as Jackson, but rather prospectively to new cases. If Jackson were to be sentenced today, his mandatory minimum for the 924(c) convictions would be five years each, totaling 120 months. When combined with his other 210 months, this would produce a term of 330. This term is almost half the 594 months Jackson was sentenced to. This gross sentencing disparity - which is perpetuated by a flawed interpretation of statutory language - is the kind of extraordinary and compelling reason § 3582(c)(1)(A) empowers the court with authority and discretion to remedy.

ARGUMENT AND AUTHORITY

THE EXTRAORDINARY AND COMPELLING REASONS PRESENT
IN JACKSON'S CASE WARRANT A REDUCTION IN HIS SENTENCE
AND THE COURT SHOULD GRANT THIS MOTION UNDER
18 U.S.C. § 3582(c)(1)(A)

In accordance with the "parsimony provision," courts are instructed to "impose a sentence that is sufficient but not greater than necessary" to accomplish the goals of sentencing. 18 U.S.C. § 3553(a)

The Sentencing Reform Act "SRA" places the avoidance of unwarranted disparity at the forefront of its directives to both the courts and the commission. Among the factors courts must consider in the imposition of sentence is "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." While the statute expressly directs that courts "shall" consider this objective in their sentencing decisions, the accompanying directives to sentence within the applicable guideline range or depart from the range based on reasons stated on the record, together with the provision for appellate review, are the SRA's principal means of assuring that court sentencing decisions will further disparity reduction goals.

The term extraordinary is defined as going beyond what is usual, regular, or customary; or something that is an exception to a very marked extent.

Compelling means something that is forceful, demanding attention, and convincing. In this case, Jackson's sentence is just six months shy of 50 years. Jackson does not attempt to downplay the seriousness of his offenses or

the fact that the crimes he was found guilty of deserve severe punishment. Jackson has been incarcerated for almost 10 years for the crimes he committed. The average person convicted and sentenced for same crimes Jackson committed would have a sentencing guideline range of 5 years for each 924(c) conviction. However, because Jackson was sentenced more than 10 years ago, he remains unjustly sentenced to almost 50 years imprisonment.

A defendant sentenced today for the same number of Section 924(c) offenses could be released before a defendant sentenced more than 10 years ago. See "Limiting Section 924(c) Stacking," The First Step Act of 2018: One Year of Implementation, United States Sentencing Commission, at 34 (August 2020), www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200831-First-Step-Report.pdf. For example, a defendant sentenced in 2011 to two counts under section 924(c) would receive a minimum sentence of 30 years imprisonment, *Id.* He would not be released until 2041. A defendant sentenced today on the same counts would receive a minimum of 10 years imprisonment, *Id.* He would be released in 2031. Not only would the defendant sentenced today receive 20 years less than the defendant sentenced pre-FSA, he would be released ten years sooner. No one can dispute that such a result is absurd. Congress could hardly have intended such a result. See *Disabled in Action of Pa. v. Se. Pa. Transp. Auth.*, 539 F.2d 199, 210 (3d Cir. 2008) (quoting *Public Citizen v. U.S. Dept of Justice*, 491 U.S. 440, 454 (1989)).

When interpreting a statute, courts must "Avoid constructions that produce odd or Absurd results or that are inconsistent with common sense" (internal quotations omitted). See also 2A N. Singer, Sutherland Statutes, and Statutory Construction § 45:12, at 92 (6th ed. 200).

At the same time that the FSA significantly lowered the Section 924(c) stacking penalties, it did not make the change retroactive. Of course, one could argue that had Congress wanted the amendment to be applied retroactively, it would have explicitly done so. However, there is a reasonable explanation why it did not. It intended that each case, the courts should determine whether an individual defendant was entitled to the benefit of the new sentencing scheme.

Congress chose not to implement a categorical approach automatically granting a reduction for defendants sentenced prior to the FSA. Had it done so, there would have been no Section 3553(a) and "danger to the community" analyses to determine whether the defendant merited a sentence reduction and would not endanger the safety of the community. Defendants would have been released without any vetting. Congress was aware of the compassionate release statute when it declined to adopt the change to Section 924(c) retroactively.明知 that the compassionate release statute provided for such an individual assessment, it left it to the court to determine on a case-by-case basis whether a reduction based in part on the sentence disparity created by the FSA is justified. See *Erlebaugh v. United States*, 409 U.S. 239, 244 (1972) "the principle that individual sections of a single statute should be construed together.... necessarily assumes that whenever

Congress Passes a New Statute, 'it acts AWARE of All previous statutes on the same subject') (citations omitted); *United States v. Ressaam*, 553 U.S. 272, 274 (2008) (reading § 844(h) in conjunction with § 924(c) to conclude the word "during" denotes a temporal link between the carrying of explosives and the commission of a felony); *United States v. Stokes*, 858 F. Supp. 434, 443 (D.N.J. 1994) ("Congress is presumed to have known of the existence and scope of [pre-FSA] Section 924(c)" and its interaction with the new card stacking offense enacted in section 2119, which falls "squarely within [its] definition of a violent crime"); Antonin Scalia and Brian A. Garver, *Reading Law: The Interpretation of Legal Texts* (2012) ("[L]aws dealing with the same subject - being in *pari materia* (translated as 'in a like manner') - should if possible be interpreted harmoniously.")

In 2018, as part of the sweeping Criminal Justice Reform of the First Step Act, Congress amended § 924(c) to ensure that stacking applied only to defendants who were truly recidivists. Under the First Step Act's new framework, only a defendant who has a prior final § 924(c) conviction is subject to the escalating mandatory-minimum sentences for a subsequent § 924(c) conviction. Accordingly, if Jackson were sentenced today, the applicable § 924(c) mandatory consecutive minimums in his case would be 10 years. "District courts must consider whether § 924(c) stacking 'in whole or in part' may constitute grounds for compassionate release. (citing *United States v. Cooper*, 991 F.3d 283 (5th Cir. 2021))" *United States v. Lee* (E.D. LA 2021).

The First Step Act's clarification of § 924(c) resulted in

Not just any sentencing change, but an exceptionally dramatic one. The Bryant defendants are a good example. Sentenced before the First Step Act, each received a 45-year mandatory minimum sentence under 924(c), including two consecutive 20-year sentences for "second and subsequent" convictions. Today, with sentence-stacking eliminated, each would have been sentenced under 924(c) not to 45 years, but to 15 - making their sentences a full 30 years longer than what Congress has now deemed an adequate punishment for comparable 924(c) conduct. Redd, 444 F. Supp. 3d at 723.

Here, there is a gross disparity between Jackson's sentence and a likely sentence for identical criminal conduct today. See *United States v. Brown*, 457 F. Supp. 3d 691, 703 (S.D. Iowa 2020) ("It is hard to argue that the manifest unfairness of keeping a man in prison for decades more than if he had committed the same crime today is neither extraordinary nor compelling.") Jackson's total sentence today would be almost half of his current sentence: 330 months, rather than 594 months. Importantly, this disparity is primarily the result of what one district court described as a "legislative rejection of the need to impose sentences under 924(c), as originally enacted, as well as a legislative declaration of what level of punishment is adequate." *United States v. Redd*, 444 F. Supp. 3d 717, 723 (E.D. VA 2020); see also *United States v. Young*, 458 F. Supp. 3d 838, 847-48 (M.D. Tenn 2020) (reasoning that the fact that Congress characterized its action as a "clarification of 924(c)" suggests that it never intended the triggering of such harsh penalties upon a first conviction in the first instance) *United States v. Lee* (E.D. LA 2021).

The incredible length of Jackson's stacked mandatory sentences under 924(c), and the fact that he would likely not receive the same sentence if the crime occurred today constitutes extraordinary and compelling grounds to reduce his sentence as to counts four and six which make up his two 924(c) convictions. See e.g. *United States v. Unkerich*, NO. 8:03 CR 37, 2019 WL 6037391, at *8 (D. Neb. Nov. 14, 2019) ("A reduction.... is warranted by extraordinary and compelling reasons, specifically the injustice of facing a term of incarceration 20 longer than Congress now deems warranted for the crimes committed"); *Maumau*, 2020 WL 806121, at *7 ("The changes in how 924(c) sentences are calculated is a compelling and extraordinary reason to provide relief on the facts present here"); *United States v. Chan*, NO. 96-cr-00094, 2020 WL 1527895, at *5 (N.D. Cal. Mar. 31, 2020) ("When the court considers the record presented by Chan regarding his rehabilitation efforts in combination with the amendments to section 924(c)'s stacking provisions, the court concludes he has demonstrated extraordinary and compelling reasons to reduce his sentence"); *United States v. Natkha*, NO. 295-CR-00220-001, 2021 WL 832168, at *4 (D. Utah Jan. 11, 2021) (finding that the defendant's "young age at the time of sentencing, the incredible length of his sentence, and Congress's subsequent decision to amend 924(c), considered together, establish extraordinary and compelling reasons for his compassionate release"); *United States v. Rollins*, NO. 99 CR 771-1, 2021 WL 1020998, at *4 (N.D. Ill. Mar. 17, 2021) (concluding the defendant's 106-year sentence for four stacked 924(c) charges presented an extraordinary reason for a sentence reduction) *United States v. Lee* (E.D. La. 2021).

Multiple district Courts have concluded that the Severity of a 924(c) sentence, combined with the enormous disparity between that sentence and the sentence a defendant would receive today, can constitute an "extraordinary and compelling" reason for relief under 3582(c)(1)(A). See Bryant, 2020 WL 2085471, at *3 (citing cases); see also, e.g. Jones — F. Supp. 3d at — 2020 WL 5359636, at *7; United States v. Haynes, 456 F. Supp. 3d 496, 514-16 (E.D.N.Y. 2020); Redd 444 F. Supp. 3d at 723-24; Young, 458 F. Supp. 3d at 848; United States v. MAUMAN, NO. 2:08-Cr-00758-TC-11, 2020 WL 806121, at *7 (D. Utah Feb. 18, 2020).

There is a growing consensus among Circuit Courts that the severity of a (pre-first step act) 924(c) sentence, combined with the enormous disparity between that sentence and the sentence a defendant would receive today, can constitute an "extraordinary and compelling" reason for relief in certain cases. See United States v. Cooper, 996 F.3d 283, 289 (5th Cir. 2021) (instructing a district court on remand to consider whether nonretroactive sentencing changes to 924(c) conviction may amount to extraordinary and compelling reasons for a reduction in sentence); see also United States v. McCoy, 981 F.3d 271, 285 (4th Cir. 2020) *supra*; United States v. Black, 999 F.3d 1071, 1076 (7th Cir. 2021); United States v. Owens, 996 F.3d 755, 760 (6th Cir. 2021).

As discussed above, a defendant convicted today of the same 924(c) charges as Jackson would face a statutory minimum prison term that is 22 years less than Jackson was sentenced to... What's more, Jackson's original 594-month sentence is also substantially longer than the average

sentence imposed in recent years for at least as serious, if not more, serious crimes. This court would not be diminishing the seriousness of Jackson's actions if it reduced his sentence. It would be merely avoiding unwarranted sentencing disparities.

Mr. Jackson has completed numerous educational and programming courses throughout the duration of his incarceration in the Bureau of Prisons. This post-conviction rehabilitation expressly reflects Jackson's true desire to better himself and live a productive and successful life upon his reentry into society. Importantly, evidence of post-sentence rehabilitation is likely the most critical core consideration for the court in a 3582(c) proceeding. In *Pepper v. United States*, 562 U.S. 476 (2011) the court emphasized the important nature of post-sentence rehabilitation, stating that "there would seem to be no better evidence than a defendant's post-incarceration conduct," *Id.* Indeed, the court continued, "post-sentence rehabilitation may also inform a sentencing judge's overarching duty under 3553(a) to impose a sentence sufficient, but not greater than necessary to comply with the sentencing purposes set forth in 3553(a)(2)." *Id.* at 1242.

This Court should reduce Mr. Jackson's sentence to be in line with those who would be sentenced today on the same charges. A sentence within the current guideline range is entirely appropriate to fulfill the 3553(a) factors' important objectives.

CONCLUSION - PRAYER FOR RELIEF

Wherefore, for the extraordinary and compelling reasons presented herein, Jackson prays the court will grant this motion and reduce his term of imprisonment and/or grant him compassionate release. Jackson further prays the court will grant him any other form of relief he may be entitled to which it deems just and appropriate.

Date: 9-19-23

Respectfully submitted,

Michael B Jackson

Michael Deman Jackson #48182-177
USP Beaumont
P.O. Box 26030
Beaumont, Texas 77720

Pro Se Defendant

CERTIFICATE OF SERVICE

I, Michael Deman Jackson, hereby certify that on this
9-19-23

A true and correct copy of the foregoing document was deposited in the United States mail, with sufficient pre-paid postage affixed thereon, addressed to:

United States District Court Clerk,
Northern District of Texas
1100 Commerce Street, Room 1452
Dallas, Texas 75242

MICHAEL DEMON JACKSON, 48182-177
BEAUMONT USP UNT: F/B QTR: F03-304L
P. O. BOX 26035
BEAUMONT, TX 77720

FEDERAL CORRECTIONAL COMPLEX, BEAUMONT, TEXAS
PART B-RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #1089196-F1

This is in response to your Request for Administrative Remedy received on June 23, 2021, in which you request a "Compassionate Release" under the "Cares Act." Additionally, you indicate if sentenced today, you would not have received the same sentence due to intervening changes in law.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement 5050.50, Compassionate Release/Reduction in Sentence, Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. This request has been evaluated consistent with this general guidance.

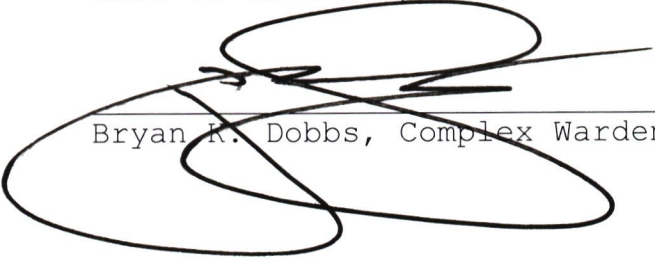
RIS consideration may be given to inmates, who have an incurable, progressive illness or who have suffered a debilitating injury from which they will not recover. After reviewing your criminal history and your medical records. Your submitted request does not meet the criteria.

To the extent you may be appealing this decision on the "stacked" nature of your sentences, under Program Statement 5050.50, Compassionate Release/Reduction in Sentence, Procedures for Implementation of 18 U.S.C. §§ 3582 and 4205(g), an inmate is allowed to initiate a request for consideration under 18 U.S.C. § 3582(c)(1)(A) only when there are particularly extraordinary or compelling circumstances which could not reasonably have been foreseen by the court at the time of sentencing.

The passage of the First Step Act does not meet these criteria. If you believe the First Step Act may qualify you to relief, please address the issue with your sentencing court directly, subject to any time limits, which may be in effect to file such claims.

Accordingly, your Request for Administrative Remedy is denied.

If you are not satisfied with this response, you may appeal to the Regional Director at Bureau of Prisons, South Central Region, South Central Regional Office, 344 Marine Forces Drive, Grand Prairie, Texas 75051. Your appeal must be received in the South Central Regional Office within 20 calendar days of the date of this response.



Bryan R. Dobbs, Complex Warden

8/6/2001
Date

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Jackson Michael D. 48182-177 FB USP Beaumont
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I respectfully appeal the decision and determination of Unit Team denying my reasonable request for Compassionate Release under the First Step Act and 18 USC § 3582(c)(1)(A)(i).

If sentence today, I would not be sentence to the same term of imprisonment due to intervening changes in the law, and other sentencing factors

7-16-21
DATE

7-16-21 Michael D. Jackson
SIGNATURE OF REQUESTER

Part B- RESPONSE

RECEIVED

JUL 23 REC'D

Warden's Office
USP Beaumont, TX

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1089196-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BMX1330.17A
 September 12, 2012
 Attachment A

DOCUMENTATION OF INFORMAL RESOLUTION ATTEMPT

Bureau of Prisons Program Statement No. 1330.16, Administrative Remedy Program, (December 31, 2007), requires, in most cases, that inmates attempt informal resolution of grievances prior to filing a formal written complaint. This form shall be used to document your efforts towards informally resolving your grievance.

Inmate Name: Michael Demon Jackson Reg. No.: 48182-177 Unit: FB

Specific Complaint and Requested Relief: I respectfully request that I be consider for compassionate Release pursuant to Title 18 USC § 3582(c)(1)(A). Following the First Step Act, see Pub. L. 115-391, 132 Stat. 5199, I am permitted to request for relief from the wardens. If sentence today, I would not be sentenced to the same amount of imprisonment due to intervening laws from the Supreme Court and Court of Appeals for the Fifth Circuit.

6-21-21

Efforts Made By Inmate To Informally Resolve Grievance (be specific):

NONE

Counselor's Comments:

You are ineligible based upon your Prison score of medium.

[Signature]
 Correctional Counselor's Review / Date

[Signature]
 Unit Manager's Review / Date



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 01895543

Dept. of Justice / Federal Bureau of Prisons

Team Date: 06-13-2023

Plan is for inmate: JACKSON, MICHAEL DEMON 48182-177

Facility: BMP BEAUMONT USP Proj. Rel. Date: 08-26-2056
 Name: JACKSON, MICHAEL DEMON Proj. Rel. Mthd: GOOD CONDUCT TIME
 Register No.: 48182-177 DNA Status: SEA07010 / 05-27-2015
 Age: 45
 Date of Birth: 07-04-1977

Detainers

Detaining Agency	Remarks
TEXAS	WARRANT# 219-81615-2015/ POSS CS PG 1G WARRANT# 219-81797-2014-1/ THEFT PROP. 972-547-5134

Pending Charges

COLLIN CO. SHERIFF'S OFFICE, MCKINNEY, TEXAS WARRANT# 219-81615-2015/ POSS CS PG 1G WARRANT# 219-81797-2014-1/ THEFT PROP.
STX TARRANT CO. SHERIFF'S OFFICE, FT. WORTH, TEXAS WARRANT# 1366243/ THEFT PROP UNDER 1500 (2 PRIORS)

Current Work Assignments

Fac	Assignment	Description	Start
BMP	AM COOK	AM COOK	03-21-2023

Current Education Information

Fac	Assignment	Description	Start
BMP	ESL HAS	ENGLISH PROFICIENT	06-12-2015
BMP	GED HAS	COMPLETED GED OR HS DIPLOMA	06-12-2015

Education Courses

SubFac	Action	Description	Start	Stop
BMP		CDL ACE CLASS	03-05-2023	CURRENT
BMP	C	CAREER DEVELOP. SAT.1:30P RPP6	03-01-2017	06-05-2017
BMP	C	CAREER DEVELOP. SAT.1:30P RPP6	11-20-2016	02-01-2017
BMP	C	RPP CORE 1 - HEALTH	09-06-2015	09-06-2015

Discipline History (Last 6 months)

Hearing Date	Prohibited Acts
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** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **

Current Care Assignments

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	06-15-2015
CARE1-MH	CARE1-MENTAL HEALTH	07-07-2015

Current Medical Duty Status Assignments

Assignment	Description	Start
C19-T NEG	COVID-19 TEST-RESULTS NEGATIVE	09-01-2020
NO PAPER	NO PAPER MEDICAL RECORD	06-10-2015
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	06-15-2015
YES F/S	CLEARED FOR FOOD SERVICE	06-10-2015

Current Drug Assignments

Assignment	Description	Start
DAP REFER	DRUG ABUSE PROGRAM REFER	06-29-2015
ED COMP	DRUG EDUCATION COMPLETE	09-21-2015
MAT PART	MED ASSIST TRMT PARTICIPANT	04-03-2023

FRP Payment Plan

Most Recent Payment Plan



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 01895543

Dept. of Justice / Federal Bureau of Prisons

Team Date: 06-13-2023

Plan is for inmate: JACKSON, MICHAEL DEMON 48182-177

Most Recent Payment Plan

FRP Assignment: PART FINANC RESP-PARTICIPATES Start: 06-24-2015

Inmate Decision: AGREED \$25.00 Frequency: QUARTERLY

Payments past 6 months: \$50.00 Obligation Balance: \$554,837.00

Financial Obligations

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$300.00	\$0.00	IMMEDIATE	COMPLETEDZ
** NO ADJUSTMENTS MADE IN LAST 6 MONTHS **					
2	REST FV	\$555,287.00	\$554,837.00	IMMEDIATE	AGREED
Adjustments:					
		Date Added	Fac	Adjust Type	Reason Amount
		06-10-2023	BMP	PAYMENT	INSIDE PMT \$25.00
		01-11-2023	BMP	PAYMENT	INSIDE PMT \$25.00

FRP Deposits

Trust Fund Deposits - Past 6 months: \$610.50

Payments commensurate ? Y

New Payment Plan: ** No data **

Current FSA Assignments

Assignment	Description	Start
FTC INELIG	FTC-INELIGIBLE-REVIEWED	12-05-2019
INELIG AUT	FTC-INELIGIBLE OFF CODE - AUTO	12-17-2019
N-ANGER Y	NEED - ANGER/HOSTILITY YES	06-13-2023
N-ANTISO N	NEED - ANTISOCIAL PEERS NO	06-13-2023
N-COGNTV Y	NEED - COGNITIONS YES	06-13-2023
N-DYSLEX N	NEED - DYSLEXIA NO	05-28-2021
N-EDUC N	NEED - EDUCATION NO	06-13-2023
N-FIN PV Y	NEED - FINANCE/POVERTY YES	06-13-2023
N-FM/PAR N	NEED - FAMILY/PARENTING NO	06-13-2023
N-M HLTH N	NEED - MENTAL HEALTH NO	06-13-2023
N-MEDICL N	NEED - MEDICAL NO	06-13-2023
N-RLF Y	NEED - REC/LEISURE/FITNESS YES	06-13-2023
N-SUB AB Y	NEED - SUBSTANCE ABUSE YES	06-13-2023
N-TRAUMA Y	NEED - TRAUMA YES	06-13-2023
N-WORK Y	NEED - WORK YES	06-13-2023
R-HI	HIGH RISK RECIDIVISM LEVEL	06-13-2023

Progress since last review

Inmate Jackson was recommended to enroll in the CDL course this review period. He is currently enrolled in the CDL and the Resolve Workshop courses. He is on the waiting list for Anger Management; Brain Health As You Age; and K2 Awareness courses.

Next Program Review Goals

Inmate Jackson is recommended to complete the CDL and the Resolve Workshop courses, and in accordance with his needs assessment inmate Jackson is recommended to enroll in the Anger Management by his next review 12/2023.

Long Term Goals

Inmate Jackson is recommended to enroll/complete the T-Business Management LSCPA course by 4/2025. This course will benefit inmate Jackson in his transition back into society, once released from custody.

RRC/HC Placement

- No.
Other detaining authority will take custody upon release.
Consideration has been given for Five Factor Review (Second Chance Act):
- Facility Resources : There is available Residential Re-Entry Centers (RRC) in his release area.
- Offense : Refer to SENTRY
- Prisoner : Refer to SENTRY
- Court Statement : Refer to J&C
- Sentencing Commission : There is no pertinent policy by the Sentencing Commission.

The Unit Teams recommendation is intended to aid him in implementing his plan for release, which includes securing a residence, employment, and making a successful reintegration into the community.



Individualized Needs Plan - Program Review (Inmate Copy)

Dept. of Justice / Federal Bureau of Prisons

Plan is for inmate: JACKSON, MICHAEL DEMON 48182-177

SEQUENCE: 01895543

Team Date: 06-13-2023

Comments

BP-338 Next Update: Jan 2024
Current Points: 26



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 01895543

Dept. of Justice / Federal Bureau of Prisons

Team Date: 06-13-2023

Plan is for inmate: JACKSON, MICHAEL DEMON 48182-177

Name: JACKSON, MICHAEL DEMON DNA Status: SEA07010 / 05-27-2015
Register No.: **48182-177**
Age: 45
Date of Birth: 07-04-1977

Inmate (JACKSON, MICHAEL DEMON. Register No.: 48182-177)

Date

Unit Manager / Chairperson

Case Manager

Date

Date

CERTIFICATE OF COMPLETION

AWARDED TO

Michael Jackson

for successful completion of

First Step Act: Traumatic Stress & Resilience
at United States Penitentiary, Beaumont



April 7, 2023

Dr. McLarty
Staff Psychologist

THIS CERTIFIES THAT

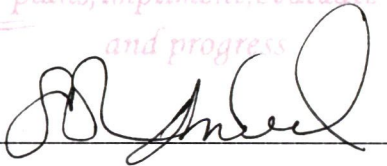
Career Development Cycle
MICHAEL JACKSON

*1. Self Awareness &
Assessment interest, ability
skills, aptitude, values, priorities*
HAS SATISFACTORILY COMPLETED

CAREER DEVELOPMENT

*The Career
Development
Cycle*

*2. Career Planning
& Placement- goal
interweaving skills,
continual learning,
vision*
CONSISTING OF 16 HOURS OF INSTRUCTION

*3. Career Awareness
& Exploration- origin
requirements,
employment trends,
global issues*
*4. Career Planning
& Placement- goal
interweaving skills,
continual learning,
vision*
*establish goals, make
plans, impliment, evaluate
and progress*


M. NED, ACE COORDINATOR

#48182-177
USP BEAUMONT
P.O. Box 26030
BEAUMONT, TX 77720



RECEIVED - 7

SEP 25 2023

MAILROOM

X-RAY

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NORTHERN DISTRICT OF TEXAS
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DALLAS, TX 75242 -1495